



## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 15 August 2019**

<b>Site Address:</b>	48 Coronation Road, Aberdeen, AB14 0RP
<b>Application Description:</b>	Erection of dwelling house including splitting of existing feu
<b>Application Ref:</b>	190751/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	15 May 2019
<b>Applicant:</b>	Mr Ifti Mohiuddin
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Ross McMahon



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

### RECOMMENDATION

Refuse

## APPLICATION BACKGROUND

---

### Site Description

The site forms part of an established residential area located within the settlement of Peterculter. The site extends to approximately 308sq.m. and comprises a significant portion of the private rear garden ground associated with 48 Coronation Road. The site is enclosed by a c.2m high timber fence on its west, north and east boundaries, beyond which lies Crown Crescent, the garden ground of 47 St. Ronan's Drive and that of 46 Coronation Road, respectively. The application site is located within a 'residential area' as identified in the Aberdeen Local Development Plan proposals map.

### Relevant Planning History

None relevant.

## APPLICATION DESCRIPTION

---

### Description of Proposal

Planning permission in principle is sought to split the feu of 48 Coronation Road and to erect a detached and independent private dwellinghouse, including the formation of associated areas of landscaping, access and car parking.

Details in relation to the design and layout of the proposed dwelling and its associated infrastructure have been submitted with the application, however, it is stated that such details are indicative and therefore are not under consideration as part of this application.

### Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQXOFDBZfq400>.

- Design Statement

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of more than five formal timeous letters of representation that express concern about the proposal.

## CONSULTATIONS

---

**ACC - Roads Development Management Team** – Notes that the indicative parking provision is considered acceptable. Queries the dimensions of the driveway and carport area, driveway material and refuse storage arrangements. Notes that no loose material should be used within 2m of the adopted footway and that surface water should be contained within the site. If development was to go ahead, a dropped kerb would be constructed by ACC at the applicant's expense. The existing fence would need to be lowered adjacent to the driveway to allow for adequate visibility splays. No objection in principle.

**Scottish Water** – Notes that there is sufficient water and foul waste capacity at the Invercarnie Water Treatment works and Nigg Water Treatment Works, respectively. A formal connection application should be submitted to Scottish Water following any detailed approval granted by the planning authority. Notes that the proposal would potentially impact existing Scottish Water assets and that the applicant must identify any potential conflict with its Asset Impact Team directly. No objection.

**ACC - Waste Strategy Team** – The dwelling would be provided with the necessary bins for general, recyclable, garden and food waste. The cost of such provision would be charged to the applicant. Notes that the applicant must contact ACC – *Waste Strategy* at least one month before first occupation. Provides general information and advice in respect of waste collection arrangements. No objection.

**Culter Community Council** – Considers that the feu in question is of sufficient size to be split, and thus suitable in accommodating a modest dwelling. Raises issues in relation to scale and location, noting that it is unclear whether the proposal would meet the requirements for privacy, sunlight and overshadowing as set out in Supplementary Guidance, in respect of adjacent houses. Suggests a number of modifications to the scheme including locating the dwelling further south-west in the divided feu and limiting its height to one-and-a-half storeys. Notes the potential conflict with existing Scottish Water assets. Objects to the proposal unless assurances can be made.

## **REPRESENTATIONS**

---

The application has received a total of sixteen timeously received letters of representation comprising ten objections and six letters of support. The material and non-material planning matters raised are summarised below:

### **Material considerations:**

- Loss of privacy;
- Loss of daylight;
- Overbearing and overshadowing development;
- Overdevelopment;
- Overall height and scale;
- Presence of an aqueduct running through the site;
- Road safety hazard at Y-junction/congested parking.

### **Non-material considerations:**

- Loss of a view to surrounding property;
- The development is a 'money making scheme';
- The wider community should be notified of the planning application;
- The applicant has difficulty managing such a large garden and thus the application should be approved;
- Adjacent roads are in poor condition which would be worsened as a result of construction traffic;
- The applicant is of good character and moral standing;
- The provision of care and emotional support from family as part of Asian Culture;
- Precedent.

## **MATERIAL CONSIDERATIONS**

---

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Aberdeen City and Shire Strategic Development Plan (2014) (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of

climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy T2: Managing the Transport Impact of Development
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low & Zero Carbon Build & Water Efficiency
- Policy CI1: Digital Infrastructure

### **Supplementary Guidance (SG)**

- The Sub-division & Redevelopment of Residential Curtilages SG
- Landscape SG
- Resources for New Development SG
- Transport and Accessibility SG

### **Other Material Considerations**

- Road and pedestrian safety

## **EVALUATION**

---

### **Remit of Assessment**

Submitted with the application is a fully detailed scheme for a proposed dwelling, including a general layout, floor plans, elevations, access and landscaping arrangements. It should be noted however that such details are indicative and as such cannot form part of the following assessment, which considers the acceptability of the principle of the proposal only. As such, the submitted scheme represents a theoretical design solution for the site, the merits of which are not under consideration here. In the event that planning permission in principle is approved, it would be for the applicant to submit a satisfactory detailed scheme as part of an application (or applications) for Matters Specified in Conditions.

### **Principle of Development**

The *ALDP* proposals map shows the entirety of the site being located within a 'residential area'. *Policy H1 (Residential Areas)* applies to development within such areas, and states that a proposal for new development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. Complies with *Supplementary Guidance*.

There would be no loss of 'open space' given the nature of the proposal, in that it relates to the subdivision of an established and private residential feu. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of *Policy H1*, provisos 1, 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's relevant SG documents, which, in the case of this proposal, is *The Sub-division & Redevelopment of Residential Curtilages*, hereafter referred to as SG.

#### Overdevelopment, Character and Amenity

An assessment as to whether to proposal would amount to 'overdevelopment' of the site and/or result in an unacceptable impact on the 'character and amenity' of the surrounding area for the purposes of assessment against *Policy H1* and SG cannot be fully made due to the nature of the application and lack of information pertaining to design and footprint of the proposed dwelling. Nevertheless, a general assessment can be undertaken, taking into account the nature of the site, its form, the footprint and plot ratio/density of both the host property and that of the surrounding area, which determines its established spatial character and built form. Accordingly, a sound understanding of the immediate and wider spatial context and character of the area is key to establishing the acceptability of the proposal – a key requirement of the SG. Consideration must be given to compatibility of the resultant feu of the host building and that of the proposed in the context of the wider area. This approach is reinforced through *Policy D1 (Quality Placemaking by Design)* which, relevant to this application, states that all development must have a strong and distinctive sense of place which is a result of context appraisal.

The host property is orientated south-west facing onto Coronation Road; a long and sweeping distributor road characterised on its northern side by relatively uniformly designed and spaced one-and-a-half-storey semi-detached dwellings. Such properties have long and narrow rear gardens, with dwellings in this location covering between 10-20% of their respective plots (footprint). The context to west and north of the site i.e. Crown Crescent and St. Ronan's Drive, respectively, differs somewhat, where smaller feus and higher plot ratios can be found, ranging between 20-25%. The proposal would result in a significant reduction the host property's feu and thus its plot coverage would increase from 10% to 21%, reflective of that found within the surrounding area. The newly formed feu would total approximately 308sq.m., again, in terms of overall plot size, this figure would not be drastically out of context with that of the surrounding area, albeit at the lower end of the range.

Notwithstanding, the prevailing character within the immediate area is, as is typically the case within many suburban contexts, set by properties with their principal, public facing elevations orientated towards their respective streets, with private gardens located to the rear. The Council's SG states that new dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.) and reflect the density of the surrounding area. While it is accepted that detailed proposal could achieve a density akin to that found within the wider area, the proposal fails to comply with *Policy D1*, the relevant provisos of *Policy H1* and the associated SG on that grounds that any conceivable layout would be incapable of respecting the established pattern of development as a result of the the shape, depth and orientation of the application site relative to the Crown Crescent. The dwelling would either be orientated north-south, with its side facing onto Crown Crescent and garden ground located to the south (as is shown), or, it would have its principal elevation facing onto Crown Crescent with its garden ground located to the side, rather than the rear. Both options fail to respect the character of the surrounding area.

In conclusion, the proposal, in principle, is considered unacceptable in that it fails to comply with proviso 2 and 4 of *Policy H1 (Residential Areas)* and *Policy D1 (Quality Placemaking by Design)* of the ALDP.

### **Road and Pedestrian Safety**

The Council's Roads Development Management team raised no concerns on safety grounds, provided that adequate on-site parking provision is made within the site and that suitable visibility splays are provided as part of the detailed proposal. In the event that the application was approved, such matters would be secured by way of a condition.

### **Other Matters**

In the event that the application was approved, detailed matters pertaining to design (including layout, orientation, size, scale, and materials etc.), landscaping (soft and hard landscaping proposals etc.), vehicular access and parking provision, waste provision, low and zero carbon and water efficiency measures and digital infrastructure would be controlled by way of conditions added to the consent. As such, either in whole or in part, it is accepted that the development could reasonably satisfy the following *ALDP* policies and their respective and associated *SG* documents.

- *Policy D2 (Landscape);*
- *Policy T2 (Managing the Transport Impact of Development);*
- *Policy R6 (Waste Management Requirements for New Development);*
- *Policy R7 (Low & Zero Carbon Build & Water Efficiency);*
- *Policy C11 (Digital Infrastructure).*

### **Matters Raised in Representations**

Of the matters raised in representations (including Culter Community Council's consultation response) that are material planning considerations, the following comments are made:

1. In respect of loss of privacy/overlooking, daylight and sunlight (overshadowing), no fixed details pertaining to the size, scale, orientation, or layout of the dwelling are being considered as part of this application, although it is acknowledged that a dwelling situated within the site could raise issues in respect of amenity. Such matters would, in the event that the application was approved, be assessed as part of the assessment of an application, or applications, for Matters Specified in Conditions. The applicant would have to demonstrate compliance with the relevant policies and *SG* in ensuring that residential amenity is suitably maintained.
2. The Council's Roads Development Management team does not object to the principle of the proposal on road safety grounds, provided that adequate on-site parking provision is made within the site and that suitable visibility splays are provided as part of the detailed proposal.
3. With regards to the potential impacts on existing foul/surface water drainage running through the site, Scottish Water does not object to the proposal in principle, and highlights the requirement for the applicant to contact its Asset Impact Team to establish any potential conflicts. Such technical matters would not preclude planning permission in principle from being granted, with further investigation required at a later stage in the consenting process.

### **Strategic Development Plan**

In terms of assessment against the Strategic Development Plan, due to the small-scale nature of this proposal, the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the *SDP*.

### **RECOMMENDATION**

---

Refuse

### **REASON FOR RECOMMENDATION**

---

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely policies H1 (Residential Areas) and D1 (Quality Placemaking by Design), and the associated Supplementary Guidance document: The Sub-division and Redevelopment of Residential Curtilages in that the characteristics of the site and its relationship to the road is such that any conceivable arrangement and orientation of a proposed dwelling and its associated garden ground would be significantly out of character with the established pattern of development within the locale, to the detriment of the character and amenity of the surrounding area. On the basis of the above it is considered that the proposal fails to accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.